

Transcript of the Testimony of  
**David Myers, D.O.**

**Date:** March 16, 2010

**Case:** Hutchison v. Texas County  
09-3018-CV-S-RED; USDC

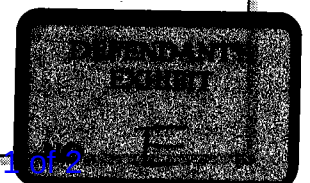
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1 A. I think I was aware at some point. I'm not  
2 sure when I was made aware of that.  
3 Q. You would agree with me, Doctor, that part  
4 of the reason that you keep records is to  
5 chart why certain prescriptions are given?  
6 A. Mm-hmm.  
7 Q. Is that yes?  
8 A. A diagnosis would justify that.  
9 Q. What diagnosis is there in your records on  
10 May the 5th of 2006 regarding anxiety or  
11 depression?  
12 A. None that I made.  
13 Q. Did you refer her to any type of counseling  
14 or therapy for the experience she related to  
15 you?  
16 A. No.  
17 Q. You didn't feel that was medically  
18 necessary?  
19 A. I think she did that on her own.  
20 Q. And what do you base that conclusion upon?  
21 A. Because I didn't make it for her.  
22 MR. FRANKLIN: Excuse me? I didn't --  
23 A. I didn't make the referral for her. I think  
24 she made that on her own accord.  
25 Q. (By Mr. Harris) Well, but did you feel that

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1 based upon what you --  
2 A. If she asked me, I would have been glad to  
3 do it.  
4 Q. Well, here's my question, Doctor: To a  
5 reasonable degree of medical certainty on  
6 May the 5th of 2006 did you believe that  
7 Ms. Hutchison was experiencing any mental  
8 health issues significant enough to warrant  
9 a referral to some type of mental health  
10 professional?  
11 A. Oh, I see 30 people a day that would meet  
12 those qualifications. I don't refer them  
13 all to psychiatric or psychological care,  
14 but usually they ask me to do that or if I  
15 see that their emotions were out of control,  
16 which Monica's a pretty tough girl. I don't  
17 think she would have asked for that unless  
18 she wanted me to do that.  
19 Q. Do you recall her bringing up the subject  
20 any time after the May 5th, 2006, visit?  
21 A. Yeah. We've discussed it a couple times in  
22 addition to that. Nothing at length. I did  
23 know that she was -- you know, had been  
24 accused of some things that I thought had  
25 defamed her character a bit and she was, I

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1 think, very upset about that.  
2 Q. Which dates did you discuss those things?  
3 A. I don't recall.  
4 Q. And they're not noted in your chart?  
5 A. No, they're not.  
6 Q. You said you knew that she'd been accused of  
7 things which you thought defamed her  
8 character?  
9 A. Correct.  
10 Q. What were you aware of that she had been  
11 accused of that defamed her?  
12 A. She told me she had been accused of running  
13 a prostitution ring, I think is what she  
14 said.  
15 Q. So she reported to you that she'd been  
16 accused of running a prostitution ring?  
17 A. Yes.  
18 Q. Did she deny that?  
19 A. Yes.  
20 Q. Did you make a practice of discussing her  
21 sexual habits with her as part of your  
22 treatment of her?  
23 A. Well, as your gynecologist, of course you  
24 have some contact with that. We prescribed  
25 her birth control pills, we treated vaginal

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1 infections, routine care for that. I hadn't  
2 discussed her sex life with her, no.  
3 Q. What else had your heard that you thought  
4 defamed her?  
5 A. I think she told me that her home had been  
6 searched and she said that was an intrusion  
7 on her privacy.  
8 Q. So you specifically recall her telling you  
9 that her home had been searched?  
10 A. Yes.  
11 Q. Anything else?  
12 A. I think as she eventually left her home  
13 there and moved away, I think that was a  
14 factor in her decision. She did talk to me  
15 about that, that it was a relief for her to  
16 be away from that environment.  
17 Q. Anything else that she told you about the  
18 incident?  
19 A. Not that I recall.  
20 MR. GAUNT: Can we go off the record a  
21 minute?  
22 MR. HARRIS: Sure.  
23 (Short break in proceedings.)  
24 Q. (By Mr. Harris) Doctor, when was the date of  
25 your last visit with Monica?

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